

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1, 12, and 17 are amended and new claims 18-20 are added herein. With entry of this amendment, claims 1-20 will be pending.

### **II. Claim Rejections – 35 U.S.C. 102 and 103:**

Claims 1, 9, 10, 12, and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0103924 (Nomura).

Applicants' invention, as set forth in the claims, is directed to a method and system for defining hardware routing paths in a network having both IP paths and MPLS paths. The IP and MPLS paths are organized, sorted, and compared in a uniform manner so that maximum hardware path resource utilization can be achieved. Claim 1, for example, includes assigning a path ID for each path within a path group, comparing all path IDs in each path group, and assigning a common hardware resource to groups having matching path IDs. The path ID for each path includes an IP address. Claims 1, 12, and 17 have been amended to clarify that the path ID assigned for each path is a unique path ID.

Nomura discloses a method for allocating network aggregation bandwidth. As shown in Fig. 2, information is provided in a label allocation request message. This information includes originating site and destination site identifiers, access line bandwidths, and a group ID indicating paths to be aggregated.

Nomura does not disclose: assigning a unique path ID for each path within a path group, the path ID for each path comprising an IP address; comparing all path IDs in each group; or assigning a common hardware resource to groups having matching path IDs, as required by claim 1.

Rather than assigning a unique path ID, Nomura uses a group ID and an aggregation path ID. As shown in Figs. 4A and 4B, the path between site A and site B has the same aggregation path ID and group ID as the path between site A and site C. Also, neither the aggregation path ID nor group ID comprises an IP address.

Furthermore, Nomura does not compare all path IDs in each path group. Instead, Nomura searches for a path having either the same originating site ID or destination site ID. There is no comparison of all paths within one group to all paths in another group.

Moreover, there is no discussion in Nomura of assigning a common hardware resource to groups having matching path IDs. Nomura teaches of aggregating paths to share bandwidth and only discusses the aggregation of paths for a single group. There is no discussion of even sharing bandwidth between two groups or comparing the paths within two different groups.

Accordingly, claims 1, 12, and 17 are submitted as not anticipated by Nomura. Claims 2-11 and 18-20, depending from claim 1, and claims 13-16 depending from claim 12 are submitted as patentable for at least the reasons discussed above with respect to their base claims.

Claim 10 is further submitted as not anticipated by Nomura because the patent does not disclose sorting the paths in each path group by the value of a path ID. In rejecting claim 10, the Examiner refers to paragraph [0092] of Nomura. This paragraph discusses how packets are classified to be bandwidth controlled. There is no teaching of sorting paths within a path group according to path ID.

Applicants respectfully submit that the other references cited, including U.S. Patent Nos. 6,553,030 (Ku et al.) and 6,721,269 (Cao et al.), do not remedy the deficiencies of the primary reference.

**III. Conclusion:**

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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